REMARKS

In response to the final Official Action of October 19, 2009, independent claims 1, 8, 12, 15, and 16 have been amended in a manner which is believed to particularly point out and distinctly claim the invention and to distinguish said invention over the cited art. Support for the amendment to the independent claims is found in the original application as filed, including Figures 3a, 4a, and 4b and the accompanying description in the specification, including page 6, line 20 through page 7, line 35 of the published PCT application (WO 2004/021259).

In particular, the figures and description of the present application make clear that the action of initiating transmission of a multimedia message is in response to receipt of the response signal where the response signal is as a result of emitting an interrogating radio signal, in order to stimulate an external radio frequency identification transponder tag to emit such a response signal wherein such a response signal includes tag information associated with a multimedia object.

Claim Rejections – 35 USC §103

At section 4, claims 1-8, 10-12, and 14-16 are rejected under 35 USC §103(a) as unpatentable in view of US patent 6,895,221, Gunnarson, in view of US patent application publication 2003/01555413, Kovesdi, et al (hereinafter Kovesdi).

With respect to independent apparatus claim 8, the Office asserts that Gunnarson discloses an apparatus comprising a tag reader and a processor, both elements of which the Office asserts contain the features as recited in claim 8 except that Gunnarson does not explicitly call for an associated object of a multimedia object. In this regard, the Office asserts that Kovesdi teaches associated media content to readable object identifiers, such as RFID tags and that it would be obvious to one of ordinary skill in the art at the time of the invention to apply Kovesdi's method of binding associated media content to an object identifier in Gunnarson's system. Applicant respectfully disagrees.

More particularly, Gunnarson is directed to a portable communications unit having a disclosed primary purpose to obtain a compact and portable RFID reading

unit that can be readily placed in the vicinity of an object to be identified (Gunnarson, column 1, lines 28-32). In the Summary of the Invention section, Gunnarson states that he solves the problem of RFID tags on objects not moving in a steady stream or flow by use of a portable unit having a cost, portability, and size that can be readily placed in the vicinity of an object by utilizing Bluetooth technology; specifically, a Bluetooth module of a mobile telephone which is supplemented with a baseband mixer for RFID between a transmitter and an antenna. In particular, Figure 2 of Gunnarson illustrates a write/read unit of an RFID system which is integrated with a mobile telephone that includes a Bluetooth channel (Gunnarson, column 3, lines 20-22).

In particular, the Bluetooth channel of the mobile telephone with its radio part 24 communicates with antenna 25 and advantageously is able to use a frequency band of 2450 MHz which is used for RFID communication. The Bluetooth radio 24 transmits at low power and interacts with an RFID module 26 included in the mobile telephone (Gunnarson, column 3, lines 62-65). As disclosed in Gunnarson at column 3, line 62 through column 4, line 12, information from the Identification Device 2 (see Figure 1) is received on antenna 25 and is tapped into mixer 27 along with a tapped-off of the transmitter signal at junction point 28. Please note in this regard that reference numeral 28 shown in Figure 2 should in fact be reference numeral 30 (as discussed below) and that the left-handmost downward arrow going into mixer 27 should be identified by reference numeral 28. The purpose of this arrangement is to generate a baseband signal by the mixer 27 for receipt by computer 21 with identification information from the Identification Unit 2.

Thus, at most, Gunnarson discloses that data can be transferred to the Identification Device via the Bluetooth radio 24 of the portable device via the RFID module 26 so as to interrogate the Identification Device (Gunnarson, column 3, lines 7-13 and column 4, lines 13-19). There is no disclosure in Gunnarson about emitting an interrogating radio signal to the Identification Device to stimulate an external radio frequency identification transponder tag to emit a response signal which includes tag information associated with a multimedia object. At best, Gunnarson simply discloses

a portable communication device which has RFID interrogating capability which, as disclosed in the Background and Summary of the Invention sections of Gunnarson is the very purpose of Gunnarson; that is, to obtain a compact and portable reading unit that can be readily placed in the vicinity of the object to be identified (Gunnarson, column 1, lines 29-32).

As noted above, Kovesdi is cited as teaching associating media content to readable object identifiers, such as RFID tags. However, it is seen in Kovesdi that the disclosed system and method is to be able to read machine-readable labels, including RFID tags and treating these different labels and tags uniformly as object identifiers for performing various indexing operations (Kovesdi, Abstract). As disclosed in the Abstract and paragraph [0036] of Kovesdi, there is an "authoring mode" which permits new media content, for example, audio, text, graphics, digital photographs, video, etc. to be recorded and bound to such an object identifier. Thus, the binding of new media content with an object identifier in the authoring mode allows for the media content to be played back when that same object identifier (such as an RFID tag) is read. In Kovesdi, this is discussed as a "tour" which, according to Kovesdi, can be thought of as an aggregation of multimedia digital content indexed by objects identifiers (Kovesdi, paragraph [0017]).

Therefore, the combination of Gunnarson and Kovesdi at most discloses that an RFID tag can be read and, as a result of its reading, a media content can be displayed which is associated with the information received from the RFID interrogation (called an object identifier) in Kovesdi. Neither Gunnarson nor Kovesdi disclose that the stimulation of a radio frequency identification transponder tag to emit a response signal includes tag information associated with a multimedia object, but rather in both Gunnarson and Kovesdi, it is just the reading of the RFID tag which is performed, not a response signal which includes tag information which, in turn, is associated with a multimedia object.

Furthermore, although Kovesdi discloses that the object identifier read from an object, such as an RFID tag, can be used after an authoring mode for playback of media content, it does not disclose that a response signal from an RFID interrogation

includes tag information associated with a multimedia object in the first instance and further that the tag information received from the radio frequency identification transponder is used in the transmission of a multimedia message which is based upon that received tag information. Thus, the multimedia message generated by the apparatus of claim 8 includes the tag information which is associated with a multimedia object, that tag information received in response to interrogating a radio frequency identification transponder tag.

It is particularly pointed out that this tag information associated with a multimedia object forms part of a multimedia message generated, contrary to Kovesdi which merely shows that the information received (i.e., object identifier) can, after an authoring mode has linked that object identifier with media content, cause the presentation of the media content when that RFID tag is later interrogated.

In short, neither Gunnarson nor Kovesdi show the association of tag information with a multimedia object and the use of that tag information associated with the multimedia object for generating a multimedia message which includes that tag information.

For all of the foregoing reasons, it is therefore respectfully submitted that claim 8 is distinguished over Gunnarson in view of Kovesdi.

For similar reasons, independent claims 1, 15, and 16 are also distinguished over Gunnarson in view of Kovesdi.

Dependent claims 2-7, 10, 11, and 14 are also distinguished over Gunnarson in view of Kovesdi at least in view of their ultimate dependency from an independent claim which is believed to be allowable.

At section 5, claims 9 and 13 are rejected under 35 USC §103(a) as unpatentable over Gunnarson in view of Kovesdi as applied to claim 8 further in view of US patent 6,989,741, Kenny, et al. Claims 9 and 13 ultimately depend from amended claim 8 and are believed to be allowable at least in view of such dependency.

Finally, applicant would like to thank Examiner Nguyen for an informal discussion with the undersigned attorney on February 10, 2010 at which time

Examiner Nguyen indicated that the present Office Action could be made final even though applicant's last response did not amend any of the claims of the present application. To this extent, Examiner Nguyen indicated that the statement at section 6 of the final Office Action that applicant's amendment necessitated a new ground of rejection is not accurate since applicant did not amend the application in its response filed on September 21, 2009.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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